

2004 Legislative Action on Major Issues

Idaho legislators dealt with questions vital to every Idaho citizen during the 2004 legislative session. The following summary includes legislation passed this session by the Idaho Legislature on major issues:

Agriculture

- Required domestic cervidae farms and ranches to register with the Division of Animal Industries, required the identification of all domestic cervidae located on such farms and ranches with two types of official permanent identification, and outlined steps that farms and ranches are required to take to prevent and respond to the escape of domestic cervidae. (HB 653)
- Authorized the Division of Animal Industries of the Idaho State Department of Agriculture to promulgate rules for the identification of livestock, poultry or fish and also authorized the Division to register premises where the animals and fish are held. This authority was granted to provide for disease control and increased traceability of infected or exposed animals. Data and information collected by the Division relating to such identification and registration will not be considered a public record and will be exempt from public disclosure. (HB 806)
- Created the Idaho Aquaculture Commission which will function in the same general manner as other agricultural commissions. (HB 836)
- Prohibited actual, or attempted, knowing transfer, damage, vandalism or poisoning of the products or facilities of posted commercial aquaculture operations. (SB 1232)
- Required licensed warehousemen, beginning in the year 2005, to send yearly notification to record owners of agricultural commodities stored in their warehouse for thirty-six months or more, and to owners that have an interest in any open credit sales contract related to agricultural commodities with the warehouseman, to ensure owners are aware they have such assets. Warehousemen are also required to maintain copies of the names and addresses to whom notification was sent. (SB 1313)

Commercial Transactions

- Revised the Idaho Business Corporation Act to bring the Act into conformity with the Revised Model Business Corporation Act. (HB 671)
- Updated Article 1 (general provisions) and Article 7 (documents of title) of the Uniform Commercial Code. (SB 1227, 1228, 1440)
- Updated the Uniform Securities Act to, among other things, increase criminal penalties in cases of fraud against elderly and vulnerable adults and to promote consistency with other states and the Securities and Exchange Commission. (SB 1277)

Courts

- Enacted the Idaho Commonsense Consumption Act to limit civil liability of providers of food and beverages in cases in which liability is based upon an obesity-related health condition. (HB 590)
- Allowed for the vacation of a child support order based upon a finding of paternity fraud. (HB 771)
- Established an interim committee to study the guardianship and conservatorship system in Idaho. (HCR 50)
- Defined “de facto custodian” to include any person, including a grandparent, who is the primary caregiver for, and financial supporter of, a child who has resided with the grandparent for a specified period of time. (SB 1302)

Criminal Justice & Corrections

- Updated the Interstate Compact for Juveniles which, upon adoption, will enable the state to cooperate with other states in returning juveniles when their return is sought and in taking all measures to initiate proceedings for the return of juveniles. (HB 518)
- Allowed courts to order restitution for costs law enforcement agencies incur in investigating misdemeanor violations of the Uniform Controlled Substances Act. (HB 519)
- Required persons convicted of burglary or felony domestic violence to provide to the Idaho state police a DNA

sample for purposes of the Idaho DNA database and allowed the court to order restitution for the expense of such DNA analysis. (HB 520)

- Revised the Juvenile Corrections Act to provide that juveniles who have committed only misdemeanor offenses may have their records expunged one year after release from probation or at age 18. (HB 531)
- Revised provisions relating to drug court participation fees to provide that individuals who fail to complete the drug court treatment and supervision program may be required to pay for the expense of the program. (HB 571)
- Specified that victim impact information is admissible at the sentencing phase of a capital case and provided guidelines for the content of such testimony. (HB 609)
- Revised criminal provisions related to stalking to create first- and second-degree stalking and set forth penalties. (HB 668)
- Prohibited the employment of adult and juvenile sex offenders at day care facilities. (HB 727)
- Enhanced misdemeanor penalties for offenders who unlawfully provide alcoholic beverages to persons under the age of 21 years. (HB 751)
- Enhanced penalties for the crime of domestic violence. (SB 1234)
- Defined the crime of video voyeurism to prohibit certain conduct and required persons convicted of video voyeurism to register as sex offenders. (SB 1243)

Education, Colleges and Universities

- Extended the education protections of the Militia Civil Relief Act to National Guard members who are ordered to active duty for longer than 30 days. (SB 1268)
- Authorized the boards of trustees of community college districts to cooperate with county commissioners, mayors, city councils and school district boards of trustees, and permitted the use of community college equipment and facilities for county, city and school district purposes. (HB 631)
- Authorized the amount of the Robert R. Lee Category B Promise Scholarship for students in Idaho colleges to be increased from \$500 to \$600 per year. No new funding was provided. (SB 1322)

Education, Public Schools

- Adopted substantial revisions to Idaho's charter school laws that would let a new, seven-person charter school commission create public virtual schools, approve creation of new charter schools, and take appeals of charters that have been denied; have the State Board of Education hear appeals from charters revoked by a school board; provide a 10 percent limit on enrollment of children of charter school founders, require public notice of open enrollment and require an annual lottery list for vacancies; limit new charter schools to six per year and one per school district; apply public ethics standards to charter directors and employees; and prohibit charter directors from having a pecuniary interest in charter school contracts or transactions. (SB 1444)
- Revised the calculation of state support for virtual charter schools to provide transportation reimbursement, and revised the computation of support units for charter schools formed by conversion of an existing traditional public school. (SB 1443)
- Required the State Board of Education and the State Department of Education to develop statewide goals for students who are Limited-English Proficient (LEP), and charged each school district board of trustees to develop a local plan and report progress annually. (HB 787)
- Required that a model contract developed by the State Department of Education for school transportation programs be used by local districts, with provisions for meeting special local conditions; required that contracts be approved by the State Superintendent within a time specified; and permitted appeal to the State Board of Education when a contract is not approved. (SB 1344)
- Authorized the State Board of Education to conduct necessary reviews and audits to assure the appropriate use of state funds for school transportation programs; required reporting by school districts; and authorized withholding a portion of a district's pupil transportation reimbursement funding for extended violations. (SB 1331)
- Authorized the board of trustees of a school district to renew a contract for school transportation with an existing contractor once for an additional five-year period without requiring further bids; and required notice of this provision to be included in the invitation for bids on a transportation contract. (HB 603)

- Amended law relating to teachers' certificates; allowed additional grounds for denial, revocation, suspension or placing reasonable conditions on a teaching certificate; and expanded options for professional sanctions and discipline available to the Professional Standards Commission. (SB 1350, SB 1351)
- Provided that the school board of trustees of each school district shall adopt a policy governing medical inhalers and self-administration of medication. (HB 632)
- Required that a waiver process be provided for teacher technology proficiency. A waiver would be limited in duration and issued only once, with a teacher required to demonstrate competence to meet state attendance and grade reporting requirements. (HB 728)
- Provided standards for granting medical waivers for school bus drivers with insulin dependent diabetes mellitus. (SB 1323)
- Expressed the Legislature's support for amendments to the No Child Left Behind Act to allow determinations of "adequate yearly progress" to be made on the basis of individual student growth from year to year, to target options for choice and supplemental services to specific subgroups, and to more reasonable rules for English Language Learners. (SJM 108)

Elections

- Allowed county commissioners to designate a precinct having no more than 125 registered electors at the previous general election to be a mail ballot precinct, and provided procedures. (HB 560)
- Authorized county clerks to appoint up to two high school students per precinct to serve under the direct supervision of election board members. (HB 562)
- Applied campaign expenditure reporting to elections on citywide measures in cities of 5,000 or more population, and provided that the city attorney shall stand in place of the attorney general when the campaign reporting law applies to city elections. (HB 625)
- Brought the contribution limits for county central committees during elections in line with the contribution limits for state central committees. (SB 1253)
- Reduced the population requirement from 16,000 to 5,000 for the application of the campaign expenditures reporting law to certain city elections. (SB 1214)
- Provided for 10 percent or more of the qualified electors in each of the single countywide highway district commissioner's subdistricts to petition the county commissioners for dissolution of the single countywide highway district, and provided for the election to be held at the next general election following the hearing on the dissolution. (HB 654)
- Clarified the appeal process of election recounts by providing that all involved parties, including the prevailing candidate in the election, would be presented with the appeal and given the opportunity to present their case to the court. (HB 500)
- Protected registered voters from identity theft by holding the personal information contained on voter registration cards confidential while allowing certain information in the voter registration database to be available to candidates for campaign purposes. (HB 558)

Government, Local

- Authorized and set limitations for wine tasting on retail premises not licensed to sell wine by the drink. (HB 691)
- Revised time requirements for the publication of notice inviting bids for counties by requiring the first publication of notice at least two weeks before the date for opening bids and requiring that notices be published at least twice, not less than one week apart. (HB 554)
- Deleted obsolete language from the Idaho Code pertaining to duties of the sheriff in regard to keeping of jails. The repealed statutes, all enacted in the 19th century, have no application to modern correctional practices. (HB 588)
- Adopted the 2003 International Building Code, Energy Conservation Code and the 2003 International Mechanical and Fuel Gas Codes, and required local governments that adopt building codes to enforce all provisions of the Idaho Building Code Act (Chapter 41, Title 39, Idaho Code) that govern application by local governments. (HB 756)
- Required the collaboration, cooperation and communication between regional mental health boards, substance abuse authorities and children's mental health councils in order to increase efficiency and avoid duplication of

efforts and services. (SB 1293)

- Provided for immunity under the tort claims act under certain circumstances for a governmental entity or employees from a claim arising from an injury to a person or property when the person is being supervised as part of a court imposed drug court program. (SB 1416)
- Provided that only the Board of Professional Engineers and Land Surveyors can issue licenses for the practice of engineering or land surveying and prohibited local jurisdictions from requiring licenses or fees to engage in these professions. (HB 485)
- Encouraged tourism and economic development in Idaho's smaller communities by allowing the mayor and city council of cities with a population of 5,000 or less to approve the issuance of a nontransferable liquor license in exchange for a \$15 million or greater taxable investment in newly constructed lodging and hospitality facilities. (SB 1252)
- Allowed state liquor and contract stores, through a local county option, to sell distilled spirits on Sundays. (SB 1264)
- Permitted merit increases or promotions to an employee of a governmental entity holding a position prior to the election of a local government official who is related within the second degree. (HB 586)
- Corrected a discrepancy in Ada and Boise County boundaries that has existed for many years and clarified the boundary descriptions. (HB 532)
- Provided for the cooperation of counties in county-based intermodal commerce authorities. (SB 1439)
- Clarified legislative intent to continue to allow counties and cities to maintain and operate solid waste systems by exclusive or nonexclusive means. (SB 1298)

Government, State

- Merged the Department of Commerce and the Department of Labor into a single department, the Idaho Department of Commerce and Labor. This merger formalizes a long-standing partnership between these two departments and will ensure that the functions of economic development and workforce development are directly linked. (HB 607)
- Defined the term "public entity," and provided that a public entity may utilize the state's procedure for bidding performance contracts for the installation or purchase of cost-savings energy measures in buildings occupied by and for public entities. (SB 1222)
- Sent Capitol Building timber and land receipts directly to the Capitol Permanent Endowment Fund and allowed for retention of interest earnings. The Capitol Endowment Income Fund would receive annual deposits from the Capitol Permanent Endowment Fund, in an amount calculated to preserve the corpus of the Capitol Permanent Endowment Fund and increase its market value over time. (SB 1238)
- Established the Bureau of Homeland Security in the Military Division of the Office of the Governor, combining the functions of the Bureau of Disaster Services and the Bureau of Hazardous Materials. (SB 1266)
- To help the state more closely mirror the federal Fair Labor Standards Act, enabled executive level state employees to report actual hours worked and bank compensatory time for hours worked in excess of 40 per week. Compensatory time earned would be limited to 240 hours. (SB 1282)
- Amended the open meeting law to provide that participation by a member of the governing body through telecommunications devices constitutes presence in person if at least one member of the governing body, the director of the public agency or the chief administrative officer of the public agency is physically present at the location designated in the meeting notice. (HB 534)
- Authorized the Division of Human Resources to conduct an annual benefit survey in conjunction with the salary survey and provided for a later date for the results to be reported to the Governor. (HB 638)
- Revised Idaho's "Do Not Call List" law to bring it into conformance with recently enacted federal regulations. (HB 535)
- Exempted the State Board of Land Commissioners from contested cases and hearings under the Administrative Procedure Act when the board is exercising its fiduciary trust duties in making management decisions concerning endowment lands. (HB 669)
- Created an Idaho Emergency Communications Commission; defined the purposes and responsibilities of the commission, including a review of the existing structure, need for upgrades, recommendations for funding and management of grant funds for 911 purposes; established a mediation role for the commission when conflicts

occur between local government entities over governance and other issues related to 911 service; and created an emergency communications fund that allows the collection of grants and funds from all sources of funding for 911 communications. (HB 692)

- Clarified authority of the Idaho Athletic Commission, which is responsible for the oversight of professional boxing, professional wrestling and other similar events. (HB 770)
- Defined the term "unpaid debt," provided procedures for political committees to retire unpaid debt, revised what the amounts received by a candidate as contributions that are in excess of amounts necessary to defray the candidate's expenditures may be used for, and prohibited the conversion of contributions to any personal use. (HB 777)
- Increased by 2 percent the salaries for members of the Public Utilities Commission, the State Tax Commission and the Industrial Commission, effective July 1, 2004. (HB 802)
- Required the political treasurer of a statewide candidate to file semiannual reports on January 31 and July 31, if the candidate has an unexpended balance of contributions or an expenditure deficit. (HB 811)
- Directed the Department of Administration, upon appropriation of its budget request relating to the Borah Post Office in Boise, to take necessary steps to facilitate and acquire the Borah Post Office in the name of the state and to make it available for state use. (HCR 44)
- Funded a permanent 2 percent merit based salary increase for state employees, funded benefit cost increases at the Governor's recommended level, and provided for an additional temporary 1 percent salary increase contingent upon revenues exceeding the current year estimate. (HCR 47)

Health and Insurance

- Established the Idaho Long-term Care Partnership Program to control Medicaid costs of long-term care and to provide an incentive for all Idahoans to purchase long-term care insurance. (HB 658)
- Required all applicants for nursing licenses to submit to criminal background checks. (HB 694)
- Directed the Department of Health and Welfare to apply for federal waivers to conduct a three-year pilot project that would provide reimbursement for weight control therapies, including diet and exercise counseling, in the state Medicaid drug program. (HB 696)
- Adjusted the premium tax paid by insurance companies to provide for a single premium tax rate for all insurance carriers.
(HB 724, HB 828)
- Revised the Idaho Individual High Risk Reinsurance Pool in order to qualify the plan for purposes of the federal tax credit provided by the Federal Trade Act of 2002. (HB 803)
- Required employers of health care providers to report to licensing boards if an employee is terminated based upon the employee's adulteration of a controlled substance. (HB 815)
- Required health insurance companies to pay claims for covered services within a certain time period if the health care provider promptly submits a claim for payment. (HB 835)
- Required parental consent for tattooing and body piercing of minors and prohibited tattooing or body piercing of children under the age of 14 years. (SB 1281)
- Prohibited smoking in public places and set forth exceptions to the smoking ban for some public places such as bars and bowling alleys. (SB 1283)
- Created a "volunteer license" for retired dentists who satisfy applicable licensure qualifications in order to increase access to dental care among Idaho's underserved populations. (SB 1289)
- Authorized the Department of Health and Welfare to obtain financial account information of parents delinquent in paying child support, and to attach the financial accounts to pay child support debts. This process replaces the garnishment process, which has proven cumbersome and ineffective, and can also be used across state lines without requirements for court action. (SB 1280)
- Clarified that medical assistance may be recovered, as authorized by state and federal law, against a spouse whether or not the spouse survives the recipient, and that the statute of limitations runs from the date the state discovers or reasonably could have discovered a prohibited transfer took place. (SB 1290)

- Revised procedures relating to medical indigency that specify the time and manner of filing an application, and clarified that the delayed application allowed by the law is intended to encourage providers to seek other sources of reimbursement before seeking county assistance. (SB 1301)
- Authorized continuation of a Department of Health and Welfare program to provide welfare assistance to drug dependent individuals in compliance with probation and parole requirements. (HB 627)
- Stated findings of the Legislature and urged the Idaho delegation in the Congress of the United States to attempt to secure a waiver or exemption from the Centers for Medicare and Medicaid Services (CMS) to allow an approved national accrediting body, at the request of the skilled nursing facility, to conduct survey and certification reviews for Medicare and Medicaid participation. If a facility is accredited by an independent organization, the Department of Health and Welfare would not have to perform licensure inspections. (HJM 25)

Natural Resources

- Authorized the State Board of Land Commissioners to include minerals with the sale of state lands when the surface estate is identified as having the potential highest and best use for development purposes, such as residential, commercial or industrial purposes. To maximize income to the endowments, lands will now be able to be sold without a mineral reservation so that the development can proceed without the risk of mineral development decreasing the value of the property. (HB 510)
- Authorized the state to sell mineral rights lying under a surface estate previously sold by the state, if the highest and best use of the land is for development purposes and if the rights are sold for their appraised value. (HB 755)
- Authorized the State Board of Land Commissioners to lease state endowment lands for a period of up to 49 years for commercial and industrial development purposes to help ensure the management of endowment lands will secure the maximum long-term financial return for the beneficiary. (HB 515)
- Allowed electric utility companies, cooperatives and municipalities furnishing electric services to provide customers information in bills about the percentage of costs utilized for fish and wildlife mitigation, and required utilities to post annual statements on their Web sites detailing the recipients and amounts of such mitigation funds. (HB 539)
- Clarified that a water right is not subject to forfeiture for nonuse if it is being used for mitigation purposes as approved by the director of the Department of Water Resources. (HB 633)
- Prohibited encroachments upon rights-of-way and easements necessary for delivery of water without the written permission of the owner of the right-of-way, or the irrigation district, Carey Act operating company, nonprofit irrigation entity, lateral ditch association or drainage district owning the easement or right-of-way, to ensure that an encroachment will not unreasonably or materially interfere with the use and enjoyment of the right-of-way; and clarified that easements and rights-of-way of irrigation districts, Carey Act operating companies, nonprofit irrigation entities, lateral ditch associations or drainage districts are not subject to adverse possession. (HB 634)
- Clarified the meaning and role of "consumptive use" as it relates to water rights, to provide that a water right entitles the owner to make any use authorized by the right, without applying for approval of a transfer; and clarified that when a water right owner seeks to change an element of the right, the consumptive use authorized by the right is retained. (HB 636)
- Increased the initial depredation damage payments to claimants by the Department of Fish and Game to one-half of the claim amount and authorized either the owner or lessee of land subject to depredation, or the department, to retain the services of an independent certified insurance adjuster to view the affected property and determine the amount of damages. (HB 700)
- Designated the peregrine falcon as the state raptor. (HB 712)
- Funded the Legislature's commitment to a stipulated water agreement. That commitment was to develop a long-term solution to address declines in spring flows discharging from the Eastern Snake Plain Aquifer. The bill came after a series of negotiations that halted the shutoff of more than 1,000 wells that draw water from the aquifer. The combined fiscal years 2004 and 2005 impact was \$1,684,400 on the General Fund and \$300,000 on dedicated funds, for a total of \$1,984,400. (HB 843)
- Required that the holders of certain junior priority ground water rights on the Eastern Snake River Plain be subject to administration within water districts created pursuant to Chapter 6, Title 42, Idaho Code; and provided mitigation to the holders of senior priority water rights from hydraulically connected surface water sources beginning April 1, 2004, for material injury caused by ground water withdrawal and use. (HB 848) Authorized the Legislative Council to expand the membership and scope of the Natural Resources Interim Committee to study

and evaluate ways to stabilize the water distribution system in the state of Idaho, including water supply and management issues in the Moscow, Rathdrum Prairie and Snake River Plain Aquifers and the Bear River Drainage. (HCR 56)

- Provided that the director of the Department of Water Resources shall not issue permits for any geothermal resource well or injection well if he finds that the operation of the well would decrease ground water available for prior water rights in any aquifer or other ground water source of water for beneficial uses, unless the applicant also has obtained a permit to appropriate ground water as provided by law. (SB 1296)
- Supported the efforts of the state of Idaho, through the offices of the Governor and the Attorney General, to intervene in federal litigation filed by several conservation and fishing groups alleging that the biological opinion for the Bureau of Reclamation projects in the Upper Snake River Basin is illegal and should be set aside, and rejected efforts to release large amounts of storage water for flow augmentation, contrary to state law, or to remove or breach dams on the Lower Snake River. (HJM 23)

Taxation

- Clarified when refunds are payable on fuel used in all-terrain vehicles not required to be licensed or to have a recreational permit. This eliminates the difference between three- and four-wheel ATVs. Currently fuel used in three-wheel ATVs is taxable but tax on fuel used in four-wheel ATVs (if not licensed) can be refunded. (HB 475)
- Deleted the method of assessment for and exempted from taxation certain manufactured homes under a dealer's plate or as a sheep and cow camp; directed the State Tax Commission to promulgate rules specifying procedures to establish average crop prices and capitalization rates, and procedures for the publication of crop prices and of the discount rate to determine the capitalization rate used in calculating the exemption of the speculative portion of the value of agricultural land. (HB 477)
- Clarified the exclusion under state income tax law for certain dividends payable to a mutual insurance stock holding company or intermediate holding company; provided changes in retirement age under the Social Security Act; provided a definition of disabled; clarified that to qualify for the deduction for certain expenses for household and dependent care, services must be paid by the individual maintaining the household; and updated the income tax withholding rate applicable to lottery winnings. (HB 481)
- Clarified that the procedure to file an appeal in district court for property tax appeals from the Board of Tax Appeals would be in accordance with Rule 84 of the Idaho Rules of Civil Procedure. (HB 506)
- Clarified procedures for submitting, reviewing and finalizing claims for property tax relief under the state's "circuit breaker" law. (HB 516)
- Removed the sunset provisions on two income tax credits: for qualified research and development expense and for qualified broadband equipment. Both credit provisions, which were scheduled to sunset on December 31, 2005, will become permanent. (HB 536)
- Provided that moneys for replacement of property tax revenues for the agricultural equipment tax exemption will be paid from the Sales Tax Account instead of the Refund Fund. (HB 538)
- Removed the limitation on the amount of long-term care insurance premiums that qualify for credit against income taxes; all the premiums can be credited. (HB 567)
- Exempted the Blind Services Foundation, Inc. from state sales and use taxes. (HB 601)
- Provided a state income tax credit for contributions made to Children's Village, Inc. or its foundation. (HB 610)
- Gave employers a tax credit of \$1,000 per new employee who earns an average of \$15.50 per hour and is eligible for employer provided health and accident coverage. (HB 651)
- Defined "idling" and provided that no refund of special fuels tax will be paid on special fuels used while idling a registered motor vehicle. (HB 684)
- Conformed the Idaho income tax to changes made to the Internal Revenue Code after January 1, 2003, including the federal "Jobs and Growth Tax Relief Act of 2003"; provided that no Idaho deduction will be allowed relating to the increased (from 30% to 50%) special allowance for first year "bonus depreciation" permitted by subsection (k) of section 168 of the IRC for computing Idaho taxable income; modified the adjusted basis of depreciable property and capital gains or losses to reflect the disallowance of the federal bonus depreciation and any necessary adjustments to basis due to nonconformity with the bonus depreciation may be made during the lifetime of the property; and provided that no deduction shall be allowed relating to expenses of elementary and secondary teachers

otherwise allowable under Section 62(a)(2) (D) of the Internal Revenue Code. (HB 720)

- Provided an incentive to locate thermal power plants owned by electric utilities close to electric load by giving an incentive to cities to permit a power plant to locate within or near a city, by providing that the property taxes from such a plant are "apportioned based on the physical location of the plant." (HB 542)
- Provided authority and procedures for determination and collection of homeowners' exemptions from property tax in situations where the exemption is improperly claimed and allowed as a result of misstatement, misunderstanding or error. (HB 739)
- Made the election for a property tax exemption in lieu of investment tax credit available for qualified property placed into service in calendar year 2003; excluded taxpayers whose rates of return are regulated according to federal or state law; provided for the recapture of the property tax benefit of property ceasing to qualify for the investment tax credit or for the election; provided that all moneys collected by the State Tax Commission for an erroneously taken investment tax credit would be remitted to the county where the property was located; and provided for distribution of moneys to taxing districts within the county and application of these moneys to the 3 percent property tax cap. (HB 799)

Transportation

Driver's Licenses, ID Cards and Registration

- Provided for renewal of a driver's license upon application in person without the requirement to take a knowledge or skills test if the Idaho driver's license expired while the person was on active duty in the armed forces of the United States or is a member of the immediate family accompanying such person. (HB 752)
- Required sheriffs to provide written notification of sex-offender registration requirements to out-of-state applicants for identification cards, and authorized licensed physicians assistants and licensed advanced-practice nurses to certify permanent disability for driver's license purposes. (SB 1274)
- Required motor vehicle drivers applying for a hazardous material endorsement to have a security background records check and to receive clearance from the Federal Transportation Security Administration before the endorsement can be issued, renewed or transferred; and required either proof of US citizenship or of lawful, permanent United States residence and a valid Bureau of Citizenship and Immigration Services alien registration number. (SB 1275)
- Transferred the Idaho Transportation Department's Motor Carrier Services Audit Unit to the State Tax Commission, beginning with fiscal year 2005, to replace the current practice of using memorandums of understanding for fiscal year 2004; transferred four auditors and one half-time clerical position to the State Tax Commission, as well as the appropriation for related operating expenses; and aligned the appeal and collection processes of the two departments. (HB 474)

License Plates

- Established a Historic Lewiston special motor vehicle license plate program with revenues to be used by the Lewiston Historic Preservation Commission to demonstrate commitment, through substantial educational, economic and outreach programs, to the preservation and interpretation of Idaho history and Lewiston's role as Idaho's first territorial capital. (HB 480)
- Established a special Military Veteran motorcycle license plate program, with revenues to be used for the operation and maintenance of the state veterans cemetery. (SB 1224)
- Established the Idaho School Transportation Safety Awareness license plate program, and created the Pupil Transportation Support Program Fund, with revenues from the fund continuously appropriated to the State Department of Education to be used for educational programs promoting school transportation safety and awareness. (SB 1311)

Vehicles, Traffic & Modes of Transportation

- Clarified the operation of slow moving vehicles on public highways to allow newer, more modern agricultural equipment to travel at speeds faster than 25 mph if they are so designed, and to make clear that these vehicles may not exceed the maximum posted speed limit or be driven by nonlicensed drivers. (HB 616)
- Prevented the unauthorized use of electronic "optical strobe light" devices to override traffic signal controls and prescribed misdemeanor penalties for violations. (HB 604)

Bills Vetoed by the Governor

- **HB 544** – Watershed advisory groups
- **HB 760** – Income tax credit, alternative energy capital and equipment
- **HB 761** – Income tax credit, alternative energy generation of electricity
- **HB 807** – Idaho Beef Council members, size and duties
- **HB 816** – Cattle imported from Canada
- **SB 1269** – Intracity light rail systems

Legislative Council Interim Study Committees

Two interim committees were authorized during the 2004 legislative session:

- **HCR 50** – Guardianship/Conservatorship
- **SCR 132** – Public Transportation and Air Quality

One existing committee was expanded:

- **HCR 56** – Natural Resources